

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

SAN ANTONIO DIVISION

DARRELL CENTENO

Plaintiff,

v.

FAMILY DOLLAR STORES OF TEXAS &
DOLLAR TREE STORES, INC.,

Defendants.

Civil Docket No.

DEFENDANTS' NOTICE OF REMOVAL

Defendant Family Dollar Stores of Texas, LLC, incorrectly identified as Family Dollar Stores of Texas ("Family Dollar"), and Dollar Tree Stores, Inc., ("Dollar Tree"), by and through their undersigned counsel, pursuant to 28 U.S.C. §§ 1441 and 1332(a), hereby file this Notice of Removal of this action from the 407th Judicial District Court for Bexar County, Texas, to the United States District Court for the Western District of Texas. In support thereof, Defendants state as follows:

1. Family Dollar Stores of Texas and Dollar Tree Stores, Inc. are incorrectly named as the Defendants in the action styled as Darrell Centeno vs. Family Dollar Stores of Texas & Dollar Tree Stores, Inc., in the 407th Judicial District Court for Bexar County, Texas, Cause No. 2020CI22293. Plaintiff states in its petition that it does not know the form and structure of Family Dollar Stores of Texas, but that it presumes that the current entity is Family Dollar Stores of Texas, LCC [*sic*]. Family Dollar Stores of Texas, LLC is the proper entity defendant.

2. Plaintiff's Original Petition ("Petition") (attached to this Notice of Removal as Exhibit A, along with the Citation) states that Plaintiff is a resident of Texas. See Petition, ¶ II.

3. Family Dollar and Dollar Tree are both Virginia corporations with their principal place of business at 500 Volvo Pkwy, Chesapeake, VA, 23320.

4. Plaintiff describes this case as a dispute over alleged amounts owed under a lease. See Id. at ¶ VI.

5. Plaintiff seeks to recover an amount in excess of \$200,000. See Id. at ¶ VII.

6. There is full diversity of citizenship in this lawsuit.

7. The amount in controversy is in excess of \$75,000.00 excluding interest and costs.

8. The Plaintiff did not demand a trial by jury.

9. Pursuant to 28 U.S.C. §§ 1332 and 1441, Defendants have the right to remove this action from the 407th Judicial District Court for Bexar County, Texas, to the United States District Court for the Western District of Texas, based on full diversity of citizenship and an amount in controversy in excess of \$75,000.00. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.

10. Dollar Tree was served with the petition and citation on November 19, 2020. As such, this Notice of Removal is timely.

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon Dollar Tree are attached to this Notice of Removal as Exhibit B.

12. Pursuant to 28 U.S.C. § 1446(b), Defendant gave notice promptly upon filing the original Notice of Removal to all parties of record and to the Clerk of the District Court for Bexar County, Texas. A copy of this notice is attached to this Notice of Removal as Exhibit C.

WHEREFORE, please take notice that this action should proceed in the United States District Court for the Western District of Texas as an action properly removed pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

/s/ Robert J. Palmer

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of December, 2020, a copy of the foregoing was served upon all counsel of record.

/s/ Robert J. Palmer
Robert J. Palmer